REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

I.   STATUS OF CLAIMS/EXPLANATION OF AMENDMENTS

Claims 1, 2, 4-15, 17-31 are pending in this application.

Claims 26 and 27 are rejected under 35 U.S.C. § 101 because allegedly the claimed invention is directed to non-statutory subject matter. Claims 1, 2, 4-7, 9, 10, 14, 15, 17-21 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2006/187241 to Boler et al. ("Boler") in view of U.S. Publication No. 2001/0035909 to Kubo ("Kubo").   Claims 8 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boler in view of Kubo, further in view of U.S. Publication No. 2004/0056873 (now, U.S. Patent No. 7,154,514) to Chang et al. ("Chang"). Claims 11 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boler in view of Kubo, further in view of *now abandoned* U.S. Publication No. 2003/0043274 to Gentile ("Gentile"). Claims 12 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boler in view of Kubo, further in view of U.S. Publication No. 2004/0201714 (now U.S. Patent No. 6,937,276) to Chung ("Chung"). Claims 13 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boler in view of Kubo, further in view of U.S. Publication No. 2004/0184072 to Jacobsen ("Jacobsen").

By this paper, claims 1, 14, 26 and 27 are amended. Claim 1 is amended to clarify, "an image processing method for processing complex data including at least first image data <u>obtained by sensing an object, a first developing condition, and</u> second image data <u>obtained by reducing data amount of developed first image data developed based on said first developing</u>

condition said method comprising . . . . generating third image data by reducing a data amount of

developed first image data developed based on said second developing condition; . . . . ; and

managing said updated complex data by correlating said second developing condition and said

third image data with said first image data, said second image data and the first developing

condition." Support for these amendments may be found throughout the application as originally

filed, including, for example, at page 16, lines 18-27, page 17, line 24 – page 18, line 4 and page

27, line 20 – page 28, line 3.

       Claim 14 is directed to an apparatus for executing the method of claim 1 and is

similarly amended.

       Claims 26 and 27 are amended to address the Office Action's claim objection.

       Claims 30 and 31 are added. Support for these amendments may be found

throughout the application as originally filed, including, for example, at page 25, lines 16-22,

page 16, lines 19-22 and page 26, lines 16-19.

       No new matter is added to the disclosure of this application by entry of these

amendments. Entry is respectfully requested.

    1.   REJECTION UNDER 35 U.S.C. § 101

       Claims 26 and 27 are rejected under 35 U.S.C. § 101 because allegedly the

claimed invention is directed to non-statutory subject matter. Applicant has amended claims 26

and 27 as recommended by the Office Action, and respectfully submits that the claim rejection

be withdrawn as being overcome or otherwise rendered moot.

2.   CLAIMS 1, 2, 4-7, 9, 10, 14, 15, 17-21 AND 25-27 ARE NOT TAUGHT OR SUGGESTED BY BOLER, ALONE OR IN COMBINATION WITH KUBO

Claims 1, 2, 4-7, 9, 10, 14, 15, 17-21 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2006/187241 to Boler et al. ("Boler") in view of U.S. Publication No. 2001/0035909 to Kubo ("Kubo"). Applicant respectfully submits that these claims as properly understood by those skilled in the art are patentably distinct from Boler and Kubo taken alone or in combination with other cited references.

Claim 1 recites an image processing method:

1.   An image processing method for processing complex data including at least first image data obtained by sensing an object, a first developing condition, and second image data obtained by reducing data amount of developed first image data developed based on said first developing condition, said method comprising:
        setting a second developing condition for said first image data;
        developing said first image data based on said second developing condition;
        generating third image data by reducing a data amount of developed first image data developed based on said second developing condition;
        updating said complex data with said second developing condition and said third image data without changing said first image data; and
        managing said updated complex data by correlating said second developing condition and said third image data with said first image data, said second image data and the first developing condition.

The Office Action agrees that Boler does not teach, disclose or suggest "the second image data being stored in the complex data and updating the complex data with the third image data." [12/14/06 Office Action at p.5]. Additionally, at step 164 in Fig. 7 (reproduced below), Boler clearly describes that "the photo viewer replaces the old copy image with the

newly created copy image as a stream in the substorage of the image object in the collection."

[Kubo, at ¶ [0046]].

FIG. 7
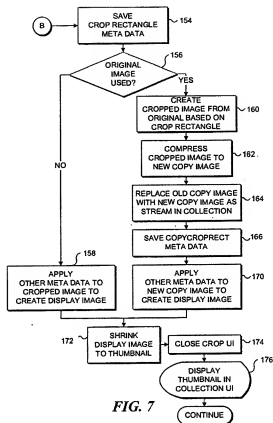
That is, although Boler suggests that subsequent image data is managed, it is done in a manner that the old image is replaced by the new image generated from a different developing condition. Thus, Boler does not teach, disclose or suggest "managing said updated complex data by correlating said second developing condition and said third image data with said first image data, said second image data and the first developing condition", as recited by Applicant's claim 1.

As to Kubo, review of the disclosure shows that Kubo is directed to an image recording apparatus which stores, in a storage medium, image data obtained at one of middle

stages of image processing for processing signals outputted from an imaging device. That is,

Kubo teaches that image data obtained at the desired middle stage of the image processing is

stored (at a middle stage) along with information regarding the designated middle stage device.

Accordingly, according to Kubo, processing of the image after storage is improved. [Kubo at ¶¶

0008, 0009, 0012, 0013].

The Office Action contends that Kubo "updates said complex data with said third

image data," and relies on Kubo ¶¶ 75-76 and Fig. 13. [12/14/06 Office Action at p.5]. Kubo

Fig. 13 is reproduced below:

F I G. 1 3
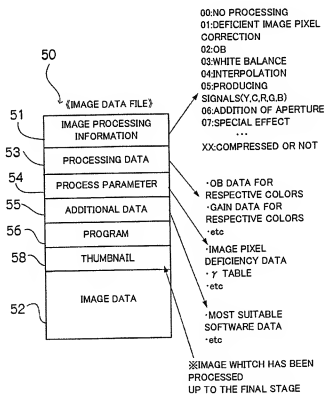
As described in Kubo paragraphs 75 and 76, FIG. 13 shows an exemplary file structure in which a thumbnail is added in the image data file. As seen from FIG. 13, the thumbnail storage area 58 contains data of the thumbnail corresponding to the image data processed up to the final stage. In other words, the image processing part 30 (not shown) performs the image processing up to the final stage according to the image signals obtained from the imaging part 14 (not shown) and produces original image data. Then, thumbnail data is produced by removing some of the pixels from the original image data. Thereafter, said thumbnail data is stored in the same file as the middle stage image data. In this manner, Kubo's thumbnail images (58) correspond to the image data of the image that has been processed up to the final stage and the image data (52) corresponds to the unprocessed or partially processed image data. [Kubo at ¶¶ 0062, 0075, 0076].

Absent from Kubo is any disclosure, teaching or suggestion that a second developing condition is used to generate "third image data by reducing a data amount of said developed first image data developed based on said second developing condition" (i.e. image that has been processed up to the final stage). Therefore, contrary to the Office Action's contention, Kubo does not disclose, teach or suggest that the image complex data is "update[ed] with said second developing condition and said third image data without changing said first image data," as recited in Applicant's claim 1.

In addition, review of the remaining sections of Kubo shows that it is silent with regard to generating the third image data. Hence, Kubo does not teach, disclose or suggest "managing said updated complex data by correlating said second developing condition and said

third image data with said first image data, said second image data and the first developing

condition," as recited in Applicant's claim 1.

Therefore, Applicant respectfully submits that the present application is still not

anticipated by or rendered obvious in view of Boler or Kubo taken individually or in

combination and is patentably distinct from the references of record. Accordingly, for at least

these reasons, Applicant respectfully submits that claim 1 is believed allowable and therefore,

the 35 U.S.C. § 103(a) rejection with respect to claim 1 and the claims depending therefrom, be

withdrawn.

Claim 14 is directed to an apparatus for performing the method of claim 1.

Therefore, for at least the reasons for allowing claim 1, Applicant respectfully submits that claim

14 is believed allowable and therefore, the 35 U.S.C. § 103(a) rejection with respect to claim 14

and the claims depending therefrom, be withdrawn.

3. CLAIMS 8 AND 28 ARE NOT DISCLOSED, TAUGHT OR SUGGESTED BY BOLER, ALONE
OR IN COMBINATION WITH KUBO OR CHANG

The Office contends that "Boler is silent with regard to displaying a list of images

that have data amounts les than that of the first image data" but Chang discloses such a feature.

[12/14/06 Office Action at p.7-8]. However, as discussed above, Applicant respectfully submits

that the present application is still not anticipated by or rendered obvious in view of Boler or

Kubo taken individually or in combination and is patentably distinct from the references of

record. Further, review of Chang shows that it does not disclose, teach or suggest "updating said

complex data with said second developing condition and said third image data without changing

said first image data; and managing said updated complex data by correlating said second

developing condition and said third image data with said first image data, said second image data

and the first developing condition", as recited in Applicant's independent claims 1 and 14.

  Accordingly, for at least these reasons, Applicant respectfully submits that claims

1 and 14 are not disclosed, taught or suggested by Boler, alone or in combination with Kubo or

Chang. Consequently, Applicant respectfully submits that claims 8 and 28 as properly

understood by those skilled in the art are patentably distinct from Boler and Kubo taken alone or

in combination with Chang or other cited references.

  4. CLAIMS 11 AND 22 ARE NOT DISCLOSED, TAUGHT OR SUGGESTED BY BOLER, ALONE
    <u>OR IN COMBINATION WITH KUBO OR GENTILE</u>

  The Office contends that "Boler is silent with regard to storing the first image data

as non-compressed image data" but Gentile (now abandoned) discloses such a feature. [12/14/06

Office Action at p.8]. However, as discussed above, Applicant respectfully submits that the

present application is still not anticipated by or rendered obvious in view of Boler or Kubo taken

individually or in combination and is patentably distinct from the references of record. Further,

review of Gentile shows that it is directed to method for digital photo editing which does not

disclose, teach or suggest "updating said complex data with said second developing condition

and said third image data without changing said first image data; and managing said updated

complex data by correlating said second developing condition and said third image data with said

first image data, said second image data and the first developing condition", as recited in

Applicant's independent claims 1 and 14.

  Accordingly, for at least these reasons, Applicant respectfully submits that claims

1 and 14 are not disclosed, taught or suggested by Boler, alone or in combination with Kubo or

Gentile. Consequently, Applicant respectfully submits that claims 11 and 22 as properly

understood by those skilled in the art are patentably distinct from Boler and Kubo taken alone or in combination with Gentile or other cited references.

> 5. CLAIMS 12 AND 23 ARE NOT DISCLOSED, TAUGHT OR SUGGESTED BY BOLER, ALONE
>   OR IN COMBINATION WITH KUBO OR CHUNG

The Office contends that "Boler is silent with regard to storing lossless-compressed image data" but Chung discloses such a feature. [12/14/06 Office Action at p.9-10]. However, as discussed above, Applicant respectfully submits that the present application is still not anticipated by or rendered obvious in view of Boler or Kubo taken individually or in combination and is patentably distinct from the references of record. Further, review of Chung shows that it does not disclose, teach or suggest "updating said complex data with said second developing condition and said third image data without changing said first image data; and managing said updated complex data by correlating said second developing condition and said third image data with said first image data, said second image data and the first developing condition", as recited in Applicant's independent claims 1 and 14.

Accordingly, for at least these reasons, Applicant respectfully submits that claims 1 and 14 are not disclosed, taught or suggested by Boler, alone or in combination with Kubo or Chung. Consequently, Applicant respectfully submits that claims 12 and 23 as properly understood by those skilled in the art are patentably distinct from Boler and Kubo taken alone or in combination with Chung or other cited references.

> 6. CLAIMS 13 AND 24 ARE NOT DISCLOSED, TAUGHT OR SUGGESTED BY BOLER, ALONE
>   OR IN COMBINATION WITH KUBO OR JACOBSEN

The Office contends that "Boler is silent with regard to storing the second and third image in a lossy-compressed format," but Jacobsen discloses such a feature. 12/14/06

Office Action at p.9-10]. However, as discussed above, Applicant respectfully submits that the present application is still not anticipated by or rendered obvious in view of Boler or Kubo taken individually or in combination and is patentably distinct from the references of record. Further, review of Jacobsen shows that it does not disclose, teach or suggest "updating said complex data with said second developing condition and said third image data without changing said first image data; and managing said updated complex data by correlating said second developing condition and said third image data with said first image data, said second image data and the first developing condition", as recited in Applicant's independent claims 1 and 14.

Accordingly, for at least these reasons, Applicant respectfully submits that claims 1 and 14 are not disclosed, taught or suggested by Boler, alone or in combination with Kubo or Jacobsen. Consequently, Applicant respectfully submits that claims 13 and 24 as properly understood by those skilled in the art are patentably distinct from Boler and Kubo taken alone or in combination with Jacobsen or other cited references.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as an admission that the cited documents are, in fact, prior art.

II. DEPENDENT CLAIMS

Applicant has not independently addressed the rejections of the dependent claims. Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed supra, the dependent claims are also allowable. Applicant

however, reserves the right to address any individual rejections of the dependent claims should

such be necessary or appropriate.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests

reconsideration and withdrawal of the rejection of claims and allowance of this application. The

Examiner is invited to contact the undersigned at the number provided below should a telephone
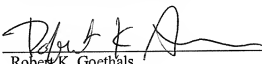
conference be useful or necessary.

AUTHORIZATION

While no fees or extensions of time are believed due, in the event that an

extension of time is required to render this filing timely, such extension is hereby petitioned and

the Commissioner is hereby authorized to charge any additional fees or credit any overpayment

to Deposit Account No. 13-4500, Order No. 1232-5171.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 16, 2007   By: _____
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